

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

1 In the Matter of:)
2 HOWARD KLEIN) FINDINGS OF FACT, CONCLUSIONS
3 Certificate of Registration) OF LAW AND BOARD ORDER
4 Number 10417) NO. 95 - 01 - H

5 DIRECTED TO: HOWARD KLEIN
6 13253 N. 93rd. Way
7 Scottsdale, AZ 85260

8 Pursuant to the foregoing Consent to Entry of Order, the
9 evidence and records compiled and contained in the file for
10 HOWARD KLEIN and for good cause appearing, the Board on this 30th
11 day of March, 1995 enters the following Finding of Fact, Conclusions
12 of Law and Board Order in the Matter of 95-01-H.

13 FINDINGS OF FACT

14 I

15 1. HOWARD KLEIN is the holder of Certificate of Registration
16 Number 10417 issued by the Arizona State Board of Pharmacy which
17 permits the holder to practice pharmacy in the State of Arizona.

18 2. That on the 6th day of February, 1995 HOWARD KLEIN did
19 enter into a Consent to Entry of Order with the Arizona State Board
20 of Pharmacy admitting that factual allegations contained in the
21 Notice of Hearing Number 95-01-H are true and accurate.

22 3. That HOWARD KLEIN admits to violations of A.A.C. § R4-23-
23 402.B, to wit:

24 failure to provide oral communication when directly dispensing
25 a new prescription.

26 4. That HOWARD KLEIN is aware of the fact that the conduct
contained in the factual allegations constitutes grounds for

1 disciplinary action as provided for in A.R.S. § 32-1927(A)(10) and
2 A.R.S. § 32-1927(B)(2).

3 CONCLUSIONS OF LAW

4 II

5 1. The Board concludes that it has jurisdiction in this Matter
6 pursuant to A.R.S. § 32-1927 (A)(10) and 32-1927(B)(2).

7 2. The Board concludes that HOWARD KLEIN did violate
8 A.A.C. § R4-23-402.B, to wit:

9 failure to provide oral communication when directly dispensing
10 a new prescription.

11 3. The Board further concludes that HOWARD KLEIN is in
12 violation of A.R.S. § 32-1927(A)(10) and 32-1927(B)(2).

13 ORDER

14 III

15 The certificate of Registration Number 10417 issued to
16 HOWARD KLEIN is hereby placed on probation for a period of two (2)
17 years effective 10 days from the date of this Order, and continuing
18 to at least March 30, 1997. The probation imposed by this Order may
19 be removed subject to the following conditions:

20 1. HOWARD KLEIN shall pay a one-hundred (\$100.00) dollar
21 civil penalty to the Board of Pharmacy within 60 days of the date of
22 this Order.

23 2. HOWARD KLEIN shall complete eight (8) hours of Continuing
24 Education within one year of the date of this Order. Said hours
25 shall consist of the two part series (4 hours each) titled
26 Pharmacist-Patient Counsultation Program or an alternative program

1 approved by the Board and shall apply only to the failure on this
2 Order and shall not be applied to subsequent renewals.

3 3. HOWARD KLEIN shall pay all fees and complete all Continuing
4 Education requirements throughout the term of probation to maintain
5 Certificate of Registration Number 10417.

6 4. HOWARD KLEIN shall obey all federal and state laws and
7 rules governing the practice of pharmacy.

8 5. HOWARD KLEIN shall appear before the Arizona State Board of
9 Pharmacy to request a removal of probation upon completion of the
10 conditions outlined in paragraphs 1. and 2. above.

11 6. If HOWARD KLEIN violates this Order in any way or fails to
12 fulfill the requirements of this Order, the Board, after giving the
13 Respondent Notice and the opportunity to be heard, may revoke,
14 suspend or take other disciplinary action against the Respondent.

15
16 DATED this 4th day of APRIL, 1995

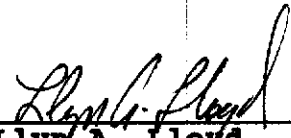
17 ARIZONA STATE BOARD OF PHARMACY

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20 SEAL

By


Llyn A. Lloyd
Executive Director

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1 Copies of the foregoing Finding
2 of Fact, Conclusions of Law and
3 Board Order mailed by certified
4 mail this 4th day of APRIL ,
5 1995 to:

6 HOWARD KLEIN
7 13253 N. 93rd Way
8 Scottsdale, AZ 85260

9 and by Courier Mail to:

10 Montgomery Lee
11 Assistant Attorney General
12 1275 W. Washington
13 Phoenix, AZ 85007
14 Attorney for the State

15 and

16 Paula Bickett
17 Assistant Attorney General
18 1275 W. Washington
19 Phoenix, AZ 85007
20 Solicitor General's Office
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